

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	
	:	CASE NO. 07-65842
SOUTH STAR FUNDING, LLC	:	
	:	CHAPTER 7
Debtor	:	
	:	JUDGE: PAUL W. BONAPFEL
	:	
<hr/>		
WELLS FARGO BANK, N.A.,	:	
	:	
Movant	:	
	:	
v.	:	CONTESTED MATTER
	:	
SOUTH STAR FUNDING, LLC	:	
HARRY W. PETTIGREW, Trustee	:	
	:	
Respondents	:	
	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Wells Fargo Bank, N.A. has filed a Motion for Relief from the Automatic Stay and related papers with the Court seeking an Order Granting Motion for Relief from Stay.

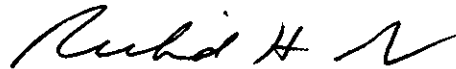
PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from the Automatic Stay in Courtroom 1401, 75 Spring Street, Atlanta, Georgia 30303 at 10:00 A.M. on April 16, 2008.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, United States Bankruptcy Court, 75 Spring Street, Suite 1340, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated:

3/12/08



Richard H. Siegel, Bar No. 645825  
Counsel for Movant  
McCalla Raymer, LLC  
1544 Old Alabama Road  
Roswell, Georgia 30076  
(770) 643-2148

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	) BANKRUPTCY CASE
	)
SOUTH STAR FUNDING, LLC	) NO. 07-65842
	)
Debtor	)
	)
-----	
WELLS FARGO BANK, N.A.	) JUDGE: PAUL W. BONAPFEL
	)
Movant	)
	)
vs.	)
	)
SOUTH STAR FUNDING, LLC	) CHAPTER 7
HARRY W. PETTIGREW, Trustee	)
	)
Respondents	)

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant and shows this Court the following:

1.

This is a Motion under Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and by the applicable contracts, including, but not limited to, the right to foreclose on certain pieces of real property.

2.

Movant is the holder or servicer of loans secured by the properties listed on the attached Schedule. Each property is

security for a Promisory Note. The names of the respective Borrowers, as known to Movant, are listed beside each property address.

3.

Movant believes that Debtor holds or services a loan on each of the properties listed, and that Debtor's lien on each property is inferior to Movant's lien.

4.

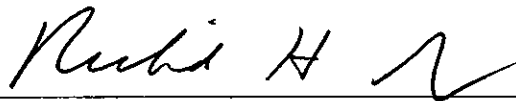
Each of the loans held or serviced by Movant is delinquent, and Movant seeks to initiate, continue and/or conclude foreclosure actions on each of the properties listed, in accordance with State law and its contracts. Movant seeks relief from the automatic stay because it believes Debtor has an interest in each of the properties, and foreclosure of any property would extinguish Debtor's lien thereon.

5.

Movant shows that most of these properties have little or no equity which will benefit the Estate. Movant is therefore not adequately protected.

WHEREFORE, Movant prays for an Order lifting the automatic stay, authorizing Movant to exercise its rights under its Notes,

Security Instruments, and appropriate state statutes, including, but not limited to, the right to initiate, continue and foreclose on these properties. Movant prays for such other and further relief as is just and equitable.



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RICHARD H. SIEGEL, BAR NO. 645825  
Attorney for Movant

McCalla Raymer, LLC  
1544 Old Alabama Road  
Roswell, Georgia 30076-2102  
(770) 643-2148  
(800) 845-8633

<u>BORROWER'S NAME</u>	<u>PROPERTY ADDRESS</u>	<u>ESTIMATED PAYOFF</u>	<u>ESTIMATED VALUE</u>	
Cuellar, Romel	4016 Honey Creek Road, Modesto, CA 95356	\$ 231,595.58	\$ 150,000.00	708
Jonas, Fernando A.	6812 Mystic Plain Court, Las Vegas, NV 89149	\$ 320,496.83	\$ 299,000.00	708
Levingston, Jeffrey	4242 Akard Road, Augusta, GA 30906	\$ 114,718.46	\$ 122,000.00	708
Sholly, Marceline	3773 Colonial Drive, Las Vegas, NV 89121	\$ 176,532.61	\$ 165,000.00	708
Turner, Ronald B.	2790 Holly Berry Drive, Ellenwood, GA 30294	\$ 114,681.51	\$ 89,319.00	708
Willis, James D. and Athena M.	16681 English Country, Lathrop, CA 95330	\$ 345,023.89	\$ 280,000.00	708

BANKRUPTCY CASE NO. 07-65842

CHAPTER 7

JUDGE: PAUL W. BONAPFEL

CERTIFICATE OF SERVICE

I, Richard H. Siegel of McCalla Raymer, LLC, 1544 Old Alabama Road, Roswell, Georgia 30076-2102, certify:

That on the date below, I served a copy of the within NOTICE OF ASSIGNMENT OF HEARING, together with the "MOTION FOR RELIEF FROM THE AUTOMATIC STAY" filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, postage prepaid, unless another manner of service is expressly indicated:

SouthStar Funding LLC  
400 Northridge Road  
Suite 1000  
Atlanta, GA 30350

J. Robert Williamson, Esquire  
Scroggins & Williamson  
1500 Candler Building  
127 Peachtree Street, N.E.  
Atlanta, GA 30303

Harry W. Pettigrew, Trustee  
Pettigrew & Associates, P.C.  
P.O. Box 4030  
Decatur, GA 30031

J. Michael Lamberth  
Lamberth, Cifelli, Stokes & Stout, P.A.  
East Tower - Suite 550  
3343 Peachtree Road, N.E.  
Atlanta, GA 30326-1022

Neil C. Gordon  
171 17<sup>th</sup> Street, N.W.  
Suite 2100  
Atlanta, GA 30363

Cuellar, Romel  
4016 Honey Creek Road  
Modesto, CA 95356

Jonas, Fernando A.  
6812 Mystic Plain Court  
Las Vegas, NV 89149

Levingston, Jeffrey  
4242 Akard Road  
Augusta, GA 30906

Levingston, Jeffrey  
565 Sunny Lane  
Unit D  
Fernley, NV 89408

Sholty, Marceline  
3773 Colonial Drive  
Las Vegas, NV 89121

Turner, Ronald B.  
2790 Holly Berry Drive  
Ellenwood, GA 30294

Turner, Ronald B.  
P.O. Box 368  
Stockbridge, GA 30281

Willis, James D. and Athena M.  
16681 English Country  
Lathrop, CA 95330

Willis, James D. and Athena M.  
5622 Haven Crest Circle  
Stockton, CA 95219

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 3/12/08 By:   
(date) RICHARD H. SIEGEL, BAR NO. 645825  
Attorney for Movant